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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,089	01/13/2004	Robert Haussmann	54317-029201	3534
46560 7590 06/05/2007 THE WALT DISNEY COMPANY C/O GREENBERG TRAURIG LLP 2450 COLORADO AVENUE SUITE 400E SANTA MONICA, CA 90404			EXAMINER NGUYEN, HUY THANH	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 06/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/757,089	Applicant(s) HAUSSMANN ET AL.	
	Examiner HUY T. NGUYEN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/14/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 7-21, 43 –44 and 53-54 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 7-21, 43 and 44 direct to information on a medium . Since the information is not data structure stored on a computer readable medium executed by computer to perform certain function the information themselves do not make them statutory . See MPEP 2100.

3. Claims 53 -54 is reciting instruction information . However the location or a medium on which the instruction information are recorded is not specified . Further, it is noted that the instruction are not stored on a computer readable medium and executed by a computer (See MPEP 2100)

Claim Rejections - 35 USC § 112

4. Claims 44, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 44, line 3, there is no antecedent basis for " the medium player ".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 53-54 are is rejected under 35 U.S.C. 102(b) as s being anticipated by Hirayama et al (5,630,006) :

Regarding claim 53 and 54 , Hirayama teaches a method of playing a plurality of data blocks of a medium in a user friendly manner, the medium having a first instruction:

providing a menu to a user for selecting the plurality of data blocks of the medium to be viewed in a predetermined sequence or interactive sequence time order sequence ; and

upon not receiving an input within a pre-determined time interval from the user selecting the plurality of data blocks of the medium to be viewed, automatically playing the plurality of data blocks of the medium in a pre-determined sequence (column 10, lines 25-55).

a first instruction set that instructs the medium player to play the plurality of data blocks of the medium in a pre-determined sequence (sequence before displaying a menu for selecting a order of playing); and a second instruction set that instructs the medium player to play the plurality of data blocks of the medium in

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response to user commands that determine the order for playing the plurality of data blocks of the medium (using the displayed menu for selecting an order)(column 10, lines 25-55)

7. Claims 7-16,20-21 ,44, 47 and 49-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Ando et al (6,341,196).

Regarding claim 7, 44 ,47 and 53-54, Ando discloses a DVD (medium) having a plurality of data blocks stored therein that can be viewed by playing the medium in a medium player, the medium comprising:

a first instruction set that instructs the medium player to play the plurality of data blocks of the medium in a pre-determined sequence (original program chain order)normal sequence in a normal reproducing mode; and a second instruction set (user defined program chain order) that instructs the medium player to play the plurality of data blocks of the medium in response to user commands that determine the order for playing the plurality of data blocks of the medium (column 33, lines 25-50, column 36, lines 33-60).

Regarding claim 8, Ando further teaches that the medium comprising an instruction set selector that determines whether the first instruction set or the second instruction set will be used to play the plurality of data blocks of the medium since the user can select first instruction set or second instruction set to be played (column 33 lines 29-43).

Regarding claims 9 and 10 , Ando teaches using default instruction set to set a predetermined blocks to be played since it is required for DVD to play a

predetermined title set or chapter when the DVD is inserted into the player (displaying Warning, scene selection or advertisement that is well known at the time the invention was made) .

Regarding claim 11, Ando further teaches the instruction set selector receives an input from the user to switch to the first instruction or to the second instruction set (the user can select original program chain or user defined program chain to play).

Regarding claim 12, Ando further teaches the user commands are chosen from a menu by the user since displaying a menu is a required feature for DVD (Chapter or scene selection) .

Regarding claim 13, Ando further teaches that the medium is a digital video disc.

Regarding claim 14, Ando further teaches that the medium player is a digital video disc player .

Regarding claim 15, Ando further teaches the medium player is operable with a video display that can display the plurality of data blocks of the medium

Regarding claim 16, Ando further teaches the plurality of data blocks include at least one movie .

Regarding claims 20 and 21, Ando teaches the instruction sets instruct a controller of the medium player (column 33, lines 22-50).

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Applicant argues that Ando does not teach the first instruction. In response, the examiner disagrees. It is noted that Ando teaches a first instruction (original program chain information) on the medium since when the user selects a normal play mode the recorded blocks are played with a sequence order and the play order is not altered by the user since in a normal play, the recorded blocks are played in order of a recording order (original program chain) and when the user selects the second instruction (user defined program chain) the recorded blocks are played with a user selected order.

8. Claims 7 –17,20-27,35-39, 42, 44-45 and 47 -48 are rejected under 35 U.S.C. 102(b) as being anticipated by DISNEY PIXAR, MONSTER INC DVD 2001.

Regarding claim 7, 44-45, 47, Disney Pixar discloses a DVD having a plurality of data blocks stored therein that can be viewed by playing the medium in a medium player, the medium comprising:

a first instruction set that instructs the medium player to play the plurality of data blocks of the medium in a pre-determined sequence (Warning, Preview sequence) when the DVD is inserted into DVD player; and a second instruction set that instructs the medium player to play the plurality of data blocks of the medium in response to user commands that determine the order for playing the plurality of data blocks of the medium (user can select Play, scene selections, bonus features or sneak peeks on the displayed menu) for viewing with a different sequence.

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displaying menu when the DVD inserted into the player, the menu includes first instruction for playing the recorded blocks in a passive sequence of recording using play button or scene selection) and a second instruction that enable a user to selected any recorded blocks for playing including sneak peek, trailer movie or bonus features using sneak peak or bonus feature buttons).

Regarding claim 8, Disney Pixar further teaches that the medium comprising an instruction set selector that determines whether the first instruction set or the second instruction set will be used to play the plurality of data blocks of the medium since the user can selects first instruction set or second instruction set to be played based on the displayed menu .

Regarding claims 9 and 10 , Disney Pixar teaches using default instruction set to set a predetermined blocks to be played since DINEY PIXAR teaches that when the DVD is inserted into the player, upon the selection of the user or not selected by the user a default instruction set to set a predetermined block to be played for example WARNING , movies trailer or Preview movies.

Regarding claim 11, DISNEY PIXAR further teaches the instruction set selector receives an input from the user to switch to the first instruction or to the second instruction set (the user can selecting TRAILER movies, bonus feature or sneak peek for viewing when needed .)

Regarding claim 12 , DINEY PIXAR teaches the user commands are chosen from a menu by the user (the user can using displayed menu for selecting recorded blocks for viewing).

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Regarding claim 13, DISNEY PIXAR further teaches that the medium is a digital video disc.

Regarding claim 14, DISNEY PIXAR further teaches that the medium player is a digital video disc player .

Regarding claim 15, DISNEY PIXAR further teaches the medium player is operable with a video display that can display the plurality of data blocks of the medium

Regarding claim 16, DISNEY PIXAR further teaches the plurality of data blocks include at least one movie .

Regarding claim 17, DISNEY PIXAR further teaches that the medium further includes trailers .

Regarding claims 18 and 27, PIXAR further to teaches the medium further includes bonus material.

Regarding claims 19, and 28, DISNEY PIXAR further teaches the plurality of data blocks include at least one sneak peek.

Regarding claims 20 and 21, DISNEY PIXAR teaches the instruction sets instruct a controller of the medium player.

Regarding claim 22, DISNEY PIXAR teaches a method of playing a plurality of data blocks of a medium, the method comprising:

automatically playing the plurality of data blocks of the medium in a pre determined sequence Warring and Preview chapter are automatically when the VD is inserted into the DVD layer ;

upon receiving an input from a user, interrupting the playing of the plurality of data blocks of the medium in the pre-determined sequence ;

providing a menu to the user so that the user can select the plurality of data blocks of the medium that the user would like to view (the menu shows PLY, scene selection sneak peeks or bonus feature);

playing the plurality of data blocks of the medium that the user has chosen from the menu.

Regarding claim 23, DISNEY PIXAR teaches the medium is a digital video disc.

Regarding claim 24, DISNEY PIXAR teaches the plurality of data blocks of the digital video disc are played using a digital video disc player.

Regarding claims 25 and 26, DISNEY PIXAR teaches the plurality of data blocks include at least one movie and Trailer.

Regarding claim 28, DISNEY PIXAR teaches the plurality of data blocks include at least one sneak peek.

Regarding claim 35, , DISNEY PIXAR discloses a method of selecting a mode for displaying the contents of a medium, the method comprising:

displaying the contents of a medium in a first mode (normal reproducing mode) according to a first set of instructions, wherein the first set of instructions instructs the displaying the contents of the medium to be effectuated in a predetermined sequence;

upon receiving a user input, selecting a second mode, wherein the user can select the contents of the DVD to be displayed through a user input ; and

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after receiving the user input, displaying the contents of the medium in the second mode according to a second set of instructions.

Regarding claim 36, DISNEY PIXAR further teaches the second set of instructions allows a the user to determine an order of viewing the contents of the medium.

Regarding claim 37, DISNEY PIXAR further the medium is a digital video disc.

Regarding claim 38, DISNEY PIXAR further teaches wherein the user inputted is effectuated by making a selection from a menu selection.

Regarding claims 39 and 48, DISNEY PIXAR teaches a method of viewing the contents stored on a medium, the method comprising:

automatically playing a first set of data blocks of the medium in a pre ordered viewing mode ;

upon receiving an input from a user, interrupting the pre-ordered viewing mode;

providing a menu to the user so that the user can select either the pre ordered viewing mode or a standard viewing mode, wherein the user can select a subset of a second set of data blocks to view in the standard viewing mode (the user can select Play for playing movies , scene selections for selection any portion of the movies for playing , selected sneak peeks or bonus features for play with any order)

resuming the playing of the first set of data blocks at the point of interruption in the pre-ordered viewing mode if the user selects the pre-ordered viewing mode;

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initiating the playing of the subset of the second set of data blocks in the standard viewing mode at the point of interruption in the first set of data blocks if the user selects the subset of the second set of data blocks to coincide with the first set of data blocks the user can use the displayed menu to select a designated sequence of data blocks for viewing ; and

initiating the playing of the subset of the second set of data blocks in the standard viewing mode at the beginning of the subset of the second set of data blocks if the user selects the subset of the second set of data blocks such that the subset of the second set of data blocks does not coincide with the first set of data blocks . The user can using the displayed menu for resuming , selecting any chapter or title to lay or relay.

Regarding claims 40 and 41, DISNEY PIXAR further teaches the first set of the data block is a warning, trailer, a movie, bonus feature, deleted scene or sneak peak .

Regarding claims 42, DISNEY PIXAR further teaches the medium is a digital video disc.

Applicants argues that DISNEY PIXAR , MONSTER INC DVD does not teaches second instruction et set that instruct the medium player to play a plurality of data blocks in response to command by the user . In response the examine disagrees , It is noted that after a MONSTER INC DVD is loaded a medium player , a menu of contents of DVD is displayed on the monitor and the user can select data blocks of the main feature to be played .

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 29-31, 33, 43 and 46 rejected under 35 U.S.C. 103(a) as being unpatentable over DISNEY PIXAR in view of Hirayama et al (5,630,006).

Regarding claim 1, 29 and 46, DINEY PIXAR teaches a method of playing a plurality of data blocks of a medium in a user friendly manner, the method comprising:
providing a menu to a user for selecting the plurality of data blocks of the medium to be viewed in a predetermined sequence or interactive sequence.

PIXAR fails to teaches upon not receiving an input within a pre-determined time interval from the user selecting the plurality of data blocks of the medium to be viewed, automatically playing the plurality of data blocks of the medium in a pre-determined sequence.

Hirayama teaches an apparatus for playing a plurality of blocks having a control means for providing a menu to the user so that the user can select the blocks of contents of the digital video disc for laying and playing a predetermined sequence when not receiving a user input within a predetermined time interval.

It would have been obvious to one of ordinary skill in the art to modify PIXAR with Hirayama by providing a control means as taught by Hirayama with the apparatus of PIXAR for playing a predetermined sequence when not receiving an user input as an alternative method of or playing the contents of the disc.

Regarding claim 30, PIXAR as modified with Hirayama further teaches The method of claim 29, further comprising upon receiving an input from the user (stop, pause or menu operation) , interrupting the playing of the plurality of data blocks of the medium in the pre-determined sequence.

Regarding claims 31, PIXAR as modified with Hirayama further teaches providing a menu to the user so that the user can select either the plurality of data blocks of the medium that the user would like to view or to continue viewing the plurality of data blocks of the medium PIXAR further teach playing the plurality of data blocks of the medium that the user has chosen from the menu .

Applicants argues that DISNEY PIXAR , MONSTER INC DVD does not teaches second instruction et set that instruct the medium player to play a plurality of data blocks in response to command by the user . In response the examine disagrees , It is noted that after a MONSTER INC DVD is loaded a medium player , a menu of contents of DVD is displayed on the monitor and the user can select data blocks of the main feature to be played .

11. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over DISNEY PIXAR ,Monsters, Inc DVD , 2001 in view of Lambert et al (6,895,170).

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Regarding claims 3-6, DISNEY PIXAR fails to specifically teach sneak peeks, Bonus feature, delete scene or still gallery is displayed after a feature presentation. Lambert teaches displaying trailer sneak ,peeks or bonus feature after a feature presentation (column 6) . It would have been obvious to one of ordinary skill in the art to modify DISNEY PIXAR with Lambert by using the teaching of Lambert to enable displaying Bonus, sneak peeks, delete scene or still gallery after a feature presentation as an alternative to the display of DISNEY PIXAR .

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N


HUY NGUYEN
PRIMARY EXAMINER